

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SANDRA E. FLUCK, an individual,	)	C.A. No.: 06-188GMS
	)	
Plaintiff,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	
BELLA VISTA DEVELOPMENT, LLC	)	
a Virginia corporation, BELLA VISTA	)	
TOWNHOME CONDOMINIUM	)	
ASSOCIATION, INC., a Delaware	)	
corporation, RESORT REALTY GROUP	)	
INC., a Delaware corporation,	)	
WILLIAM J. MITCHELL, individually,	)	
and WAYNE MITCHELLE,	)	
Individually.	)	

**DEFENDANT BELLA VISTA TOWNHOME CONDOMINIUM  
ASSOCIATION, INC.'S RULE 26 DISCLOSURES**

(a)(1) **Initial Disclosures.** Except in categories of proceedings specified in Rule 26(a)(1)(E), or to the extent otherwise stipulated or directed by order, a party must, without awaiting a discovery request, provide to other parties:

(A) The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

**Answer:** Plaintiff, Plaintiff's unknown companion at the time of the alleged incident and the individual Defendants.

(B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

**Answer:** (1) Investigative report by Steve Stewart of Ward North American dated August 18, 2004.

(2) Photocopies of four (4) photos taken August 17, 2004, of scene of incident underlying this litigation.

(3) Photocopies of seven (7) photos of Plaintiff's lower extremities, origin unknown.

(4) Notice of occurrence/claim report to Defendant Bella Vista Condominium Association's insurance agent.

(C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

**Answer:** Not applicable to Answering Defendant.

(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**Answer:** Declarations Sheet attached.

LAW OFFICE OF CYNTHIA G. BEAM

/s/ Carol J. Antoff

Carol J. Antoff, Esquire (Bar I.D. 3601)

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131 Continental Drive, Suite 407

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(302) 292-6660

ANTOFFC@NATIONWIDE.COM

Attorney for Defendant Bella Vista Townhome  
Condominium Association, Inc.

Date: February 1, 2007

**CERTIFICATE OF SERVICE**

I, Carol J. Antoff, Esquire, hereby certify that on February 1, 2007, I electronically filed **Defendant Bella Vista Townhome Condominium Association, Inc.'s Rule 26 Disclosures** with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Jennifer S. Donahue, Esquire  
Andrea G. Green, Esquire  
Doroshow Pasquale Krawitz & Bhaya  
213 E. Dupont Highway  
Millsboro, DE 19966  
Attorneys for Plaintiff

Stephen P. Casarino, Esquire  
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Wilmington, DE 19899  
Attorney for Bella Vista Development LLC and Wayne Mitchell

Roger A. Akin, Esquire  
Akin & Herron, P.A.  
1500 Shallcross Avenue, Suiet 1-A  
Wilmington, DE 19806  
Attorney for Resort Realty Group, Inc., and William J. Mitchell

LAW OFFICE OF CYNTHIA G. BEAM

/s/ Carol J. Antoff  
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Attorney for Defendant Bella Vista Townhome  
Condominium Association, Inc.

# Scottsdale Indemnity Company

## COMMERCIAL GENERAL LIABILITY COVERAGE PART SUPPLEMENTAL DECLARATIONS

Attachment

Policy No. CPI0000722 Effective Date 05/26/2004  
12:01 A.M., Standard Time

Named Insured BELLA VISTA CONDOMINIUM Agent No. 45C10

**Item 1. Limits of Insurance**

Coverage	Limit of Liability	
Aggregate Limits of Liability	\$ <u>1,000,000</u>	Products/Completed Operations Aggregate
	\$ <u>2,000,000</u>	General Aggregate (other than Products/Completed Operations)
Coverage A - Bodily Injury and Property Damage Liability	\$ <u>1,000,000</u>	any one occurrence subject to the Products/Completed Operations and General Aggregate Limits of Liability
Damage to Premises Rented to You Limit	\$ <u>50,000</u>	any one premises subject to the Coverage A occurrence and the General Aggregate Limits of Liability
Coverage B - Personal and Advertising Injury Liability	\$ <u>1,000,000</u>	any one person or organization subject to the General Aggregate Limits of Liability
Coverage C - Medical Payments	\$ <u>5,000</u>	any one person subject to the Coverage A occurrence and the General Aggregate Limits

**Item 2. Description of Business****Form of Business:**

- ☐ Individual
 ☐ Partnership
 ☐ Joint Venture
 ☐ Trust
 ☐ Limited Liability Company  
☒ Organization including a corporation (other than Partnership, Joint Venture or Limited Liability Company)

**Location of All Premises You Own, Rent or Occupy:**

BAY VISTA ROAD, REHOBOTH BEACH, DE 19971

**Item 3. Forms and Endorsements**

Form(s) and Endorsement(s) made a part of this policy at time of issue:

**See Schedule of Forms and Endorsements****Item 4. Premiums**

Coverage Part Premium:	\$	500
Other Premium:	\$	
Total Premium:	\$	500

THESE DECLARATIONS ARE PART OF THE POLICY DECLARATIONS CONTAINING THE NAME OF THE INSURED AND THE POLICY PERIOD.